# **SUBJECT INDEX**

## RHODE ISLAND SUPREME COURT ETHICS ADVISORY PANEL

## **ADVISORY OPINIONS AND GENERAL INFORMATIONAL OPINIONS**

## **Current through September 11, 2003**

TOPIC	OPINION NUMBER
ADVERTISING & SOLICITATION	93-73
Academic Degree Listed	93-61, 96-24
Assistance In Divorce	90-33, 91-17
Association of Independent Attorneys	93-66, 94-12, 2001-02
Attorney Participating In Seminars	91-12, 92-55, 93-103, 96-21
Charitable Solicitations	99-11
Class Action	91-61, 91-75, 93-101
Containing Disclaimer	91-17, 92-20, 92-55, 92-57, 93-39,
	93-61, 93-66, 93-67, 93-102, 93-103
Direct Contact (7.3)	95-45, 95-47, 96-01, 96-03, 98-03
Direct Letter To Specific Group	92-79, 94-8, 96-28, 96-31, 98-15, 2001-01
Notice To Public To Gain Inform.	93-38
Other Professional Designations	90-34, 91-47, 91-50, 93-42
"Panel Does Not Edit Documents"	90-18, 90-15
Paralegal/Legal Assistant	91-42, 91-64, 92-06, 92-24, 96-16,
Published in Newspaper or Print Media	89-17, 90-10, 90-25, 90-30, 90-33, 91-12,
i donsiled in Newspaper of Time Media	Gen. Info. Op. 1 (1990)
Reference To Prior Verdict	93-102
Rule 7.2 - Notice to Disciplinary Counsel	93-09
react 7.2 Trouce to Disciplinary Counsel	75 07
Same Law Firm/Different Name	92-95
Sign At Unoccupied Office Building	94-56
Targeted Solicitation (attorneys)	88-28, 89-17, 90-34, 92-22

ADVERTISING & SOLICITATION, (continued)

Targeted Solicitation (non-attorneys) 87-2, 87-3, 88-14, 88-22, 88-27, 90-15, 90-18,

91-17, 91-24, 91-25, 91-68, 91-75,92-53, 92-57,

92-93, 93-30, 96-28, 96-31, 98-03, 2001-01

Television Advertisement 95-55

APPEARANCE OF IMPROPRIETY 91-79, 92-8, 96-10, 96-11, 97-02, 97-06

ASSISTING UNAUTHORIZED PRACTICE 89-02, 90-34, 92-18

ATTORNEY AS

Arbitrator or Mediator 92-05

Clerk or Judge 95-06, 95-07, 99-03

Intermediary 93-58, 93-76

Municipal Committee Member 93-24

Part-time Government Employee 89-01, 90-11, 90-14, 90-16, 90-28, 90-36, 91-01

91-83, 92-86, 93-43, 96-13

Part-time Judge 93-17, 99-03, 2003-03

Part-time State Employee 88-21, 89-01, 89-09, 91-08, 91-63, 91-70,

96-27, 99-07

Police-Officer 95-16

Witness 89-08, 90-27, 91-10, 91-31, 93-40, 93-46, 94-61

93-46, 95-40, 95-44, 2002-02, 2002-05

Partner or Associate as Witness 93-46, 97-11, 2002-02

ATTORNEY-CLIENT PRIVILEGE

See "Confidentiality"

ATTORNEY, FAIRNESS TO OPPOSING

PARTY 91-09

ATTORNEY, FURNISHING THIRD PARTY

<u>EVALUATION</u> 91-13, Gen Info. Op. 3(1991)

ATTORNEY, NON-PROFIT CORPORATION 93-25

ATTORNEY PUBLISHING ARTICLE 88-23

ATTORNEY REPRESENTING BUSINESS 90-38

PARTNERSHIP

**ATTORNEYS - LIENS** 

G.L.§ 9-3-1 et seq. 91-49 Upon discharge or termination 96-35 ATTORNEY'S VIOLATION OF RULES OF

<u>PROFESSIONAL CONDUC</u>T 90-04, 90-05, 90-08, 90-13, 91-26, 93-48

ATTORNEY'S VIOLATION OF STATE

<u>STATUTE</u> 88-21, 88-32, 90-23, 90-30

BUSINESS TRANSACTION WITH CLIENT 88-31, 90-09, 96-26, 96-29

BUSINESS TRANSACTION WITH JUDGE 92-14

CANDOR TOWARD TRIBUNAL Gen. Info. Op. 2 (1990), 92-23

Client leaves court-ordered program 92-07, 93-56, 99-06

Death of Plaintiff, disclosure of 97-01

<u>CLASS ACTION LITIGATION</u> 87-2, 91-75

CLIENT ADMITS FALSE TESTIMONY 91-76, Gen'l. Info. Op. 2 (1990)

CLIENT CONSENT 90-02, 90-16, 90-24, 91-40, 91-48,

91-54, 91-60,

Disclosure of bills to insurer's auditor 99-17

Payment for Medical Expenses (Med. Lien) 91-32, 91-37, 92-47, Gen. Info. Op. 7 (1997)

CLIENT COSTS 93-05

<u>CLIENT DISABILITY</u> 92-16, 94-11, 96-05

<u>CLIENT FILE</u> 89-13, 90-19, 90-38, 91-02, 92-88, 93-76,

93-84, 94-41, 96-35, 2000-6, 2000-7

G.L. § 8-14-2 94-09

<u>CLIENT FUNDS</u> 90-21, 91-32, 91-37

Distribution of 90-31 Upon discharge of attorney 96-33

CLIENT INCAPACITY 90-03

CLIENT, PROTECTION OF MISSING CLIENT 91-82

CLIENT'S DEATH (See "Death of Client")

CLOSED FILES, Attorney's Obligation 92-10

COMMUNICATIONS Concerning a Lawyer's 93-73, 94-70, 95-14

Services

With client -Rule 1.4 96-10, 96-15

**COMMUNICATIONS With Persons** 

Represented by Counsel Rule 4.2 92-96, 93-33, 94-81, 96-14, 97-14, 2000-09,

2002-01, 2002-04

With insurance adjuster 93-33 91-74

With former employees of corporate party

CONFIDENTIALITY

Attorney being deposed or summoned 91-36, 93-02, 93-08, 94-52, 2000-08

Attorney responding to subpoena 91-27, 92-50, 93-02, 93-08, 93-26, 94-38, 98-2,

Exception, to estimate a claim or defense 94-06 Forgery of attorney's signature 97-15

92-07, 93-56, 99-06 Client leaves court-ordered program

Client's failure to pay attorney's fee 97-23 Confidentiality as applied to non-client 94-15 Death of client 96-34 99-17 Disclosing bills to insurer's auditor Disclosure of settlement to Lawyers' Weekly 99-02

Generally 88-16, 88-23, 89-06, 89-07, 89-09, 89-12, 91-4,

> 91-65, 92-01, 92-17, 92-28, 92-45, 92-80, 93-10, 93-45, 93-84, 93-94, 94-8, 94-42, 95-19, 95-26,

95-61, 96-06, 96-27, 2002-03

Identity of client 94-42, 95-61

IRS Audit of Attorney's Tax Return 97-19 Reporting Attorney Who Is Executor 94-78 Reporting Fraud By Client 96-08

Reporting Information To Tribunal 92-07, 96-27, 99-06

Reporting Lawyer Misconduct 92-01, 92-72

Reporting Threat By Client 98-12 Substantial Bodily Harm Exception 95-04

CONFLICT OF INTEREST

Attorney as Clerk or Judge 95-06, 95-07, 99-03

Attorney as Intermediary 93-58, 93-76

Attorney as Part-time Government

**Employee** 89-01, 90-11, 90-14, 90-16, 90-28, 90-36, 91-01,

91-83, 92-86, 93-43, 96-13, 2002-06

Attorney as Police Officer 95-16 Attorney's Colleague Member of City Council 99-13

CONFLICT OF INTEREST (continued) Attorney's Partner Member of Hospital Board Client with Claim Against Other Client	89-22 97-03
Corporation As Former Client Representing Director	94-17
Representing Employee Domestic Relations Matters	96-19 88-16, 89-07, 90-02, 91-28, 92-77, 93-68, 93-92, 95-20, 95-49, 95-58, 96-07, 96-22, 97-18, 97-21, 98-04, 2001-05
Government Lawyers & Child Support	95-22, 95-56, 96-27, 99-07
Former Client - Rule 1.9	91-30, 91-33, 91-36, 92-15, 92-19, 92-27, 92-31, 92-48, 92-51, 92-59, 92-68, 92-77, 93-36, 93-49, 93-53, 93-72, 93-77, 93-87, 93-95, 93-97, 94-07, 94-10, 94-16, 94-22, 94-28, 94-53, 94-55, 94-66, 94-69, 94-74, 94-79, 94-80, 95-20, 95-34, 95-42, 95-48, 96-04, 96-20, 97-06, 97-07, 97-08, 98-04, 98-05, 98-11, 98-13, 99-12, 99-14,
As Witness "Substantially Related"	2001-06 95-42, 95-49, 95-50, 95-58, 96-04, 96-07, 96-09, 96-12, 97-09, 97-18, 2001-05, 2001-08
General Rule - Rule 1.7	94-45, 94-47, 94-48, 94-58, 94-68, 95-48, 95-2, 95-53, 95-54, 95-56, 96-02, 95-11, 96-23, 99-5
Giving Financial Assistance	91-26
Insurance Representation Disclosure of bills to outside auditor Insurer's Litigation Management	91-40, 94-19, 94-28, 98-10 99-17
Guidelines	99-18
Professional judgment, insurer interference	99-18
Lender's Counsel & Borrower's Counsel	92-08, 92-76
Loans to Clients	93-100
Multiple Representation	88-10, 88-11, 90-26, 96-08, 99-05, 2002-07
Other Situations - Conflicts of Interest	88-01, 88-26, 88-33, 89-03, 89-06, 89-09, 8919, 89-22, 90-01, 90-06, 90-07, 90-24, 90-29, 90-32, 90-38, 91-10, 91-19, 91-23, 91-30, 91-31, 91-32, 91-33, 91-34, 91-67, 91-69, 92-02, 92-30, 92-32, 92-36, 92-37, 92-38, 92-74, 93-44, 93-51, 93-60, 93-62, 93-74, 93-79, 93-83, 93-86, 93-89, 93-96, 98-01, 99-05, 2003-05

CONFLICT OF INTEREST (continued) Related Attorneys 91-19, 93-50, 97-13 Related Business Interest 93-04, 96-26, 96-29, 98-08 Representing Co-defendants 91-23 Representing Agency & Former Director 2000-1 Representing Client & Adverse Attorney 93-03 Representing Corporation & Shareholders 93-23, 93-80 Representing Court 93-90 Representing Municipality and Private Clients before boards 2003-06 Representing Party Adverse to Client of Former Firm 97-10 Representing Party Adverse to Former Firm 98-07 Representing Therapist & Patients 94-22 Rule 1.8 Allowable Transactions - Rule 1.8 92-92, 93-07, 93-54, 93-50, 93-59, 99-16 Prohibited Transactions - Rule 1.8 92-56, 92-65, 95-02, 96-26, 96-29 Rule 1.8(a) 93-59, 94-23, 99-16 Rule 1.8(e) 92-92, 93-07, 94-33 Rule 1.8(f) 92-65, 93-54, 96-17, 99-17, 99-18 92-56, 93-50. 94-26, 96-19, 96-11 Rule 1.8(i) Rule 1.8(j) 95-02 Rule 1.9 (See Conflict of Interest-Former Client) Withholding Money From Settlement 94-03 **CONSENT OF PARTIES** 91-76 CORPORATION AS CLIENT COURT ORDER 91-29 DEATH OF CLIENT Confidentiality 96-34 Disclosure of 97-01 DECLINING OR TERMINATING REPRESENTATION 91-80, 92-04, 92-09, Gen. Info Op.2 (1990) 92-43, 92-49, 92-64, 94-19, 94-73, 95-13, 95-38 **Attorney Closing Law Practice** 95-08

DIRECT CONTACT, NON-CLIENT 87-2, 88-14, 88-22, 88-27, 88-29,

(<u>Advertising</u>) 89-14, 89-17, 89-18, 90-8, 90-9, 90-11, 90-15,

95-21, 95-45, 96-28, 96-31, 98-03

With Municipality for Work 94-20

DISCHARGE OF ATTORNEY 90-26, 91-22, 91-26, 96-33

**DUAL PRACTICE** 

Law practice & other profession or business 96-26, 96-29, 98-08

DUAL REPRESENTATION 93-65

<u>ESCROW FUNDS</u> 88-12, 91-53, 95-25, 96-33

EVALUATION FOR USE BY THIRD PERSONS Gen. Info. Op. 3 (1991), 92-88

EX PARTE COMMUNICATION 92-89

EXPENSES PAID BY ATTORNEY 92-92, 93-7

**EXPEDITING LITIGATION** 

Client's Refusal to Settle 99-01

<u>FEES</u> 90-13, 90-23, 91-22

Collection case, fee conflict 91-81

Contingency, child support 91-78, 92-02

Contingent fees 91-22, 91-56, 91-71, 92-02, 92-85, 93-69

Division with predecessor attorney 2001-03 Court awarded fees reduced by client 94-64

Discharged attorney Gen. Info. Op. 4 (1991)

Division of fees 92-52, 92-61, 94-51, 94-67, 95-03

Division of fees between attorneys 93-37, 95-15, 97-12, 97-16, 98-14, 99-19

Predecessor attorney 2001-03

Fee-splitting/ non-attorney 95-03, 2000-05

Interest on past due fees 98-06
Lender's counsel 90-23
Mixing fixed with contingent fee 92-42
Non-refundable fees 94-63
Percentage fee, estate 92-73
Photocopy fees to non-clients 93-75
Reasonableness of fee 96-18

Referral Fees 95-15, 95-18, 97-16

division of fees between attorneys 91-71, 92-61, 93-37, 95-15, 98-14

FEES (continued)

Suspended attorney, quantum meruit 92-03, 91-71, 92-54, 92-58, 92-61, 92-81,

92-87, 2001-07

Worker's compensation 89-21

FIDUCIARY 92-33, 94-14

FIRM NAMES AND LETTERHEAD 91-47, 92-06, 95-14

Of Counsel 90-20, 94-65 Suspended attorney 2001-07

**GIFT** 

For referral 89-05, 2000-03

GIFT TO JUDGES
Hosting a Party for Judges
91-41
92-90

Flosting a Fairty for Judges 92-90

**GRAND JURY** 

Attorney appearing before 91-27

IMPARTIALITY OF TRIBUNAL 92-62, 91-41

<u>IMPUTED DISQUALIFICATION</u> 89-01, 89-22, 90-01, 90-14, 91-28, 92-70

93-11, 93-47, 93-66, 93-82, 94-28,

94-71, 94-71(A), 94-79, 94-80, 97-02, 97-03,

97-10

"Of counsel" 97-06, 99-09

INDEPENDENT PROFESSIONAL JUDGMENT

(See Professional Independence of Lawyer)

<u>INSURANCE REPRESENTATION</u> 91-40, 94-19, 94-28, 98-10

Disclosure of bills to outside auditor 99-17 Insurer's Litigation Management Guidelines 99-18 Professional judgment, insurer interference 99-18

**INTERMEDIARY** 

See Multiple Representation

INTERPLEADER 91-81, 92-34, 92-52

IOLTA 88-02, 92-84, 93-93

JURISDICTION: See "Panel Jurisdiction"

LAW FIRM:

Inviting to opening ceremonies 91-05

Names and Letterhead

(See Firm Names and Letterhead)

Responsibility of Paralegal 95-09 Splitting Up 91-35

What is a law firm 90-36, 91-17.1

LAWYER, See "Attorney"

LAWYER REFERRAL SERVICE

Bar Sponsored/fee splitting 95-03 Internet Lawyer Referral Service 2000-04 Not Bar Sponsored 95-05

Telephone contact with or letter to person

referred 98-16

<u>LICENSING OF ATTORNEYS</u> 90-14, 89-01, 93-13

LOANS BY ATTORNEY 92-02

MEDIATION/ARBITRATION 87-03, 95-01

MERGER OF LAW FIRMS 91-73

MERGER OF TWO LEGAL SERVICES 94-77

MISCONDUCT OF ATTORNEY 92-01, 92-72, 95-41, 95-43

Conduct Involving Dishonesty 93-81 Impropriety, inference 92-62 Relative works for a judge 92-78

MISSING CLIENT 88-12, 90-21, 91-16, 91-82

Locating client 91-77, 93-1, Gen. Info. Op. 6 (1993)

93-78, 93-81, 95-24, 95-39

MULTIPLE REPRESENTATION 88-10, 88-11, 90-26,

Intermediary, attorney as 93-58, 93-76

OFFICE SHARING 93-66, 94-12, 2001-02

ORGANIZATION AS CLIENT 92-41, 93-58, 93-80, 94-43, 95-17, 95-51, 2002-02

Condominium Association 2003-04

PANEL JURISDICTION 88-19, 88-24, 89-3, 89-4, 91-35, Gen. Info.

Op. 8 (1997)

PAPERS & PROPERTY OF CLIENT - 92-88, 94-09

Rule 1.16

<u>PARALEGALS, LEGAL ASSISTANTS</u> 90-12, 91-42, 91-64, 92-24, 95-09, 96-16

PARTNERSHIPS 88-03, 88-07, 88-20, 89-01, 89-11, 90-20

"Of Counsel" 90-20, 94-65

With out-of-state law firms 91-14

PHYSICIANS BILL FOR MEDICAL SERVICES

Inter professional Code, RIBA & RI Med. Soc. 92-25

PLACEMENT AGENCY, TEMPORARY

EMPLOYMENT OF LAWYERS 90-34

PRE-PAID LEGAL SERVICES 88-09

**PROBATE JUDGES** 

Fees for special session 92-83

PROCEEDING WITH GOOD FAITH CLAIM 88-18, 88-30

PROFESSIONAL INDEPENDENCE

OF A LAWYER

Collection forms 95-47 Insurance representation 99-18 Mediation business 95-01

PROFESSIONAL CORPORATIONS 88-7, 88-13, 88-17, 88-20, 89-10, 93-41, 93-52

<u>PURCHASE OF BONDS</u>, Attorney's relative 88-33

QUANTUM MERUIT Gen. Info. Op. 4 (1991), 91-71, 92-03, 92-52,

92-61, 94-01

<u>REAL ESTATE MATTERS</u> 88-01, 90-01, 92-08, 92-76, 93-26, 94-15, 94-80,

98-13, 99-14

Attorney as real estate broker 96-29, 98-08

Fees of lender's counsel 90-23

REFERRALS 91-38

Attorney Participates in "Leads Group" 96-25 Internet Lawyer Referral Service 2000-04 RELEASE OF CLIENT INFORMATION 88-09, 88-23, 88-25, 89-12

To Lawyers' Weekly 99-02

**RELEASE OF LIABILITY** 

Sought from Client 90-37

RESPONSIBILITY OF NONLAWYER 93-11, 95-47

ASSISTANTS (5.3)

REPORTING PROFESSIONAL MISCONDUCT 92-01, 92-72, 92-80, 93-06, 93-48, 93-55, 93-63,

94-54, 94-62, 94-78, 95-09, 95-10, 95-30, 95-41,

95-43, 96-30, 97-22

RETIRED, ATTORNEY

Letterhead 96-24

SAFEKEEPING PROPERTY OF CLIENT 92-12, 92-21, 92-45, 92-47, 93-55, 93-57,

94-76

Assurance to Hospital - Medical lien 94-46

Client Does Not Want To Pay 95-27, 95-31, 95-60, Gen. Info. Op.7 (1997)

Fees of Former Attorney 92-82, 97-12

Health Insurance/Medical Bills 95-57, Gen. Info. Op. 7 (1997) Interpleader 95-12, Gen. Info. Op. 7 (1997)

Portion In Dispute 94-50, 97-17

Reduction of Fee for Family Member 95-29

Third Person Has Interest in Settlement

Funds or Recovery 93-64, 95-27, Gen. Info. Op. 7 (1997), 97-17,

97-20

<u>SCOPE OF REPRESENTATION</u> 91-34, 91-39, 91-46, 91-52, 91-58

91-60, 91-72

Assistance In Crime 93-81 Assistance In Fraud 92-18

SETTLEMENT NEGOTIATIONS 89-20, 89-21, 91-66

<u>SHARING OFFICE</u> SPACE 88-05, 88-26, 89-01, 91-17.1, 91-43,

92-33, 93-61, 93-62, 93-66

With non-lawyer 88-26, 93-61, 97-05, 98-08

SOCIAL HOSPITALITY 91-41

**SOLICITATION** 

(See Advertising & Solicitation)

SPLITTING UP - law firm Retaining firm's name 99-10 Responsibility to Clients after leaving firm 91-35 STATE ETHICS CODE 95-06 SPOUSES 92-56 STATE PROFESSIONAL REGULATORY BOARD 87-01 STATIONERY 88-03, 88-04, 88-05, 88-28, 89-02, 89-10, 89-11, 90-35, 99-10 93-73, 96-24 Academic Degree Listed "Of Counsel" 90-20, 94-65 Paralegals Listed 91-42, 92-24, 96-16 Retired Attorney 96-24 Suspended Attorney 2001-07 STRIKE, ATTORNEY PARTICIPATION 88-21 SUBROGATION CLAIM 88-10, 88-11, 88-25 SUCCESSIVE GOVERNMENT AND PRIVATE **EMPLOYMENT** 90-17, 91-03, 91-18, 91-51, 92-39, 92-63, 95-33, 96-32, 98-09, 99-04, 2001-04 Concurrent Govt. and Private Employment, Rule 1.11 Applicable to 92-70, 93-24, 93-88, 96-13, 2003-01 Law Clerk 92-75 92-91 State Employee Soliciting Employment SUSPENDED ATTORNEY 90-22, 91-71 Arbitrator 92-13 TERMINATION OF REPRESENTATION 2002-01 (See also Withdrawal From Case) Attorney lien upon termination 96-35 Filing Final Decree In Divorce 92-43 Mitigation 91-80 TRIAL PUBLICITY 92-29 93-13, 94-57 UNAUTHORIZED PRACTICE OF LAW

UNCOOPERATIVE CLIENT

88-15, 88-18, 89-16, 90-03, 91-16

### WITHDRAWAL FROM CASE

88-06, 88-15, 89-16, 90-03, 91-15, 91-35

92-04, 92-25, 92-23, 92-40 91-21, 91-37

"Repugnant" or "Imprudent" Conduct

By Client

WORK PRODUCT

90-19